

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

125514

FILE: B-215729**DATE:** October 29, 1984**MATTER OF:** Larry Plummer--Request for Reimbursement
for Airline Ticket Unused Due to
Cancellation of Annual Leave**DIGEST:**

A vacationing employee whose leave is interrupted by orders to perform temporary duty at another location, and who afterwards returns to his permanent duty station at Government expense, is not entitled to be reimbursed for the cost of a personal return airline ticket that he could not use because of the cancellation of his leave. As the Government has paid the cost of his return, employee's claim is comparable to that for the lost value of a vacation, and may not be reimbursed.

This is in response to a request by Mr. Foon C. Lee, Authorized Certifying Officer of the National Park Service, United States Department of the Interior, for our decision as to whether Mr. Larry Plummer, a Park Service employee, is entitled to be reimbursed for the return portion of a personal airline ticket which he did not use due to cancellation of his annual leave. For the reasons that follow, we hold that Mr. Plummer is not entitled to reimbursement.

FACTS

Mr. Plummer, an employee at the National Park Service Western Regional Office in San Francisco, scheduled annual leave from May 2 through May 9, 1984, for a vacation in New York and Washington, D.C. He purchased a round trip (San Francisco - Washington, D.C., New York - San Francisco) "super-saver" airline ticket at a cost of \$399. After traveling to Washington, D.C., however, Mr. Plummer was informed that he would have to interrupt his annual leave to attend a "Position Classification and Wage Administration Workshop" in Hot Springs, Arkansas, from May 8 - 10. On May 7, he travelled from Washington, D.C., to Hot Springs, Arkansas. He attended the workshop there, and returned directly to San Francisco on May 11. His travel from Washington to Hot Springs and Hot Springs to San Francisco was procured through use of a Government Transportation Request (GTR); he also received subsistence expenses (per diem) for the period May 7 - 11.

Mr. Plummer contends that, because of the interruption of his leave, he is "out-of-pocket" the amount attributable to the return portion of the super-saver ticket purchased for his vacation. His conclusion is based on the fact that he was unable to use the ticket for his return to San Francisco, and because he apparently could not receive a refund for the unused portion of the ticket.

DISCUSSION

The National Park Service denied Mr. Plummer's request for reimbursement on the basis of our decision 60 Comp. Gen. 629 (1981). There we concluded that there was no legal basis to reimburse an employee for additional air travel expenses resulting from his disqualification for "super-saver" rates when his official duties required him to change his weekend travel plans. That case, however, involved only personal travel, and was decided in light of other cases involving an increase in personal expenses caused by cancellation of annual leave. See, e.g., B-191588, January 2, 1979; B-190755, June 15, 1978. The present case, on the other hand, is comparable to situations we have previously considered involving employees who, while already away from their permanent duty station for a personal reason such as annual leave, are ordered to perform temporary duty there or at another location, interrupting, cancelling, or following the taking of annual leave. See, e.g., B-190646, January 25, 1978; B-185070, April 13, 1976. As discussed below, our conclusion in this case, although based upon different precedent, is the same as that reached by the National Park Service.

It is a well established rule of this Office that an employee who proceeds to a point away from his official duty station on annual leave assumes the obligation of returning at his own expense. B-190646, January 25, 1978; 11 Comp. Gen. 336 (1932). The rule is generally applicable even in those cases involving employees who are called back early to return to duty because of unforeseen requirements of an official nature. See B-190646, January 25, 1978. We have, however, recognized exceptions to this rule in cases where an agency recall of an employee on annual leave is made within 24 hours of his or her departure, where the recall substantially defeats the purpose of the personal trip, or where it would be unreasonable to require the employee to meet additional expenses created by the recall. In such cases, this Office will not object to the agency's reimbursement of the employee's return travel expenses. B-191588, January 2, 1979; 56 Comp. Gen. 96 (1976); 39 Comp. Gen. 611 (1960).

In those cases in which an employee is interrupted while on leave by directions to perform temporary duty at his permanent duty station or elsewhere, and is required or chooses to return to his permanent duty station after completion of the temporary duty, this Office has generally held that the Government is chargeable "only with the difference between the cost attributable to the temporary duty and what it would have cost the employee to return to his headquarters direct from the place where he was on leave." B-185070, April 13, 1976; 16 Comp. Gen. 481 (1936). Put another way, in such situations the employee is still required to bear the cost of the return trip, except that any incremental increase attributable to the temporary duty is to be paid by the agency involved. Thus, if the agency pays the full travel costs of the employee's return from his or her place of leave through the temporary duty station, the employee would ordinarily be required to reimburse the agency an amount equivalent to the cost of his or her direct return, unless the agency agreed to cover the employee's return fare under the exceptions previously described.

In the present case, the National Park Service paid for Mr. Plummer's return to San Francisco through his temporary duty station, thus paying both the cost of the employee's return to his permanent duty station and the incremental costs of the temporary duty assignment. Under the circumstances, we would not object to the agency covering that portion of the return trip for which Mr. Plummer would ordinarily be liable. Although the interruption of Mr. Plummer's leave did not take place within 24 hours of his departure from San Francisco, the agency could properly conclude it to be unreasonable to require Mr. Plummer to repay the constructive cost of returning to San Francisco on the earlier date (the full one-way economy fare) in addition to the costs he had already incurred for the trip, particularly since the interruption prevented him from reaching one of his two scheduled destinations. Compare B-191588, January 2, 1979.

On the other hand, we cannot agree with Mr. Plummer that he is "out of pocket" the cost of the unused return ticket, as his return fare was in fact paid by the Government at no cost to him. Mr. Plummer's claim for the lost value of the ticket is comparable to claims submitted by others in similar circumstances for the "lost value" of vacations interrupted by official duty requirements. We have held that agencies have no authority to pay such claims: B-191588, supra.

2969

B-215729

Based on the foregoing, Mr. Plummer's request for reimbursement is denied.

for Milton J. Rowland
Comptroller General
of the United States